

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITYNET, LLC**, on behalf  
of the United States of America,

Plaintiff/Relator,

V.

**FRONTIER WEST VIRGINIA INC.,** a West Virginia corporation, **KENNETH ARNDT**, individually, **DANA WALDO**, Individually, **MARK McKENZIE**, Individually, **JIMMY GIANATO**, individually, and **GALE GIVEN**, individually,

Defendants.

**Civil Action No.: 2:14-CV-15947**

**Judge: Copenhagen**

## **JOINT NOTICE OF SETTLEMENT AND STIPULATION OF DISMISSAL**

Citynet, LLC and Jimmy Gianato and Gale Given (the “State Defendants”), by their respective counsel, hereby respectfully notify the Court that the Relator, Citynet, LLC has entered into a settlement agreement with the State Defendants which resolve certain civil claims, brought pursuant to 31 U.S.C. § 3730, et seq. in this case as to the State Defendants. The settlement agreement required the State Defendants to make a specified payment of funds within a certain period of time, and the United States received those funds.

Pursuant to Federal Rule of Civil Procedure 41(a) and the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and pursuant to the executed settlement agreement, Citynet and the State Defendants hereby stipulate, consent and agree to the entry of an order providing that Relator's First Amended Complaint and claims are dismissed with prejudice as to the State Defendants.

The parties respectfully request that the Court enter an order in the form of the proposed order filed herewith consistent with this stipulation.

Agreed to by:

/s/ Rebecca Pomeroy

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